

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WENDY S. WARNER,
Plaintiff,

v.

QUALITY SYSTEMS, INC., NEXTGEN
HEALTHCARE INFORMATION
SYSTEMS, LLC, and
C.Q.I. SOLUTIONS, INC.,
Defendants.

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CIVIL ACTION NO. A-13-CV-441-JRN

JURY TRIAL DEMANDED

REPORT OF RULE 26(f) CONFERENCE AND DISCOVERY PLAN

Plaintiff and Defendants (collectively “the Parties”) submit the following Report and Discovery Plan pursuant to FED. R. CIV. P. 26(f).

1. **Rule 26(f) Conference:** The Parties conducted the Rule 26(f) conference on July 2, 2013.

2. **Nature and Basis of Claims and Defenses:** Plaintiff has brought this lawsuit on the basis that she was sexually harassed in violation of Texas Labor Code § 21.051, subject to a hostile work environment, and subject to retaliation in violation of Texas Labor Code § 21.055. Defendant denies Plaintiff’s contentions.

3. **Possibility of Prompt Settlement:** At this time, the Parties have agreed to discuss the possibility of mediation of this action following responses to written discovery and depositions.

4. **Rule 26(a) Disclosures:** Pursuant to FED. R. CIV. P. 26(a)(1), the Parties stipulate and agree that they will submit initial disclosures to each other by July 30, 2013. The Parties further agree that no changes should be made in the timing, form, or requirement of other

disclosures under Rule 26(a), except to the extent that the Court has ordered otherwise.

5. **Discovery Plan:** The Parties agree that discovery will be conducted on matters that include, but are not limited to, (1) the merits of Plaintiff's claims; (2) Plaintiff's damages; and (3) Defendant's defenses. The Parties agree that discovery will be completed by whatever date is established by the Court in its Scheduling Order. The Parties reserve the right to request additional time for discovery. The Parties agree that no changes should be made to the generally applicable discovery rules, and that all discovery will be conducted pursuant to the Federal Rules of Civil Procedure and this Court's orders. Privileges will be asserted pursuant to the Federal Rules of Civil Procedure.

6. **Preservation of Discoverable Information:** The Parties agree that all discoverable information in this case will be preserved in its native format.

7. **Electronically Stored Information:** The Parties agree that electronically stored information may be produced in a hard copy form in response to a discovery request, unless the Party requesting the information specifically requests production in another form (i.e., electronic or native form) in that specific discovery request.

8. **Proposed Scheduling Order:** The Parties have filed a proposed scheduling order with the Court.

9. **Consent to Magistrate:** Plaintiff agrees to consent to a magistrate. Defendants' counsel will confer with their clients to consider consent to a Magistrate Judge in this action. The Parties will file Notices of Consent by July 26, 2013.

10. **Pending Motions:** There are no pending motions at this time.

11. **Estimated Trial Length:** The Parties estimate a trial length of 3-4 days in this matter.

Respectfully Submitted,

THE COOK LAW FIRM

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